

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

EUROPEAN COMMUNITY,	Plaintiff,	
v.		00 Civ. 6617 (NGG/VVP)
RJR NABISCO, INC., <i>et al.</i> ,	Defendants.	
DEPARTMENT OF AMAZONAS, <i>et al.</i> ,	Plaintiffs,	
v.		00 Civ. 2881 (NGG/VVP)
PHILIP MORRIS COMPANIES INC., <i>et al.</i> ,	Defendants.	00 Civ. 3857 (NGG/VVP)
		00 Civ. 4530 (NGG/VVP)
		(Consolidated)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, in accordance with Defendants' Joint Memorandum of Law In Support of Motion to Dismiss Under Rule 12(b)(6) the Colombian and European Community Complaints for Failure to State a Claim Upon Which Relief Can Be Granted, the undersigned defendants will move this Court, before the Honorable Nicholas G. Garaufis, at the United States Courthouse, at a time and date to be set by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6):

- (i) dismissing the Complaints in their entirety with prejudice; and
- (ii) granting such other and further relief as the Court deems just and proper.

Dated: January 29, 2001

Respectfully submitted,

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00 Civ. 2881 (NGG)

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00 Civ. 3857 (NGG)

(Consolidated)

ORDER

WHEREAS, upon consideration of Defendants' Joint Motion to Dismiss Under Rule 12(b)(6) the Colombian and European Community Complaints for Failure to State a Claim Upon Which Relief Can Be Granted, served January 29, 2001, and any response thereto, IT IS HEREBY ORDERED that:

1. Defendants' Joint Motion to Dismiss Under Rule 12(b)(6) the Colombian and European Community Complaints for Failure to State a Claim Upon Which Relief Can Be Granted is GRANTED; and
2. Plaintiffs' Complaints are DISMISSED in their entirety with prejudice.

Dated: _____

Hon. Nicholas G. Garaufis, U.S.D.J.